

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>9/4/2012</b>	Received By: <b>tdodge</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>Jeremy Thiesfeldt (608) 266-3156</b>	By/Representing: <b>Hariah Hutkowski</b>
May Contact:	Drafter: <b>tdodge</b>
Subject: <b>Health - public health</b>	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Thiesfeldt@legis.wi.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Prohibiting employers from requiring influenza vaccine as condition of employment

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 9/18/2012	csicilia 9/18/2012	rschluet 9/18/2012	_____			
/P1	tdodge 10/31/2012		jmurphy 9/18/2012	_____	sbasford 9/18/2012		
/P2	tdodge 4/17/2013	csicilia 11/2/2012	rschluet 11/6/2012	_____	sbasford 11/6/2012		
/1		csicilia	phenry	_____	sbasford	sbasford	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		4/18/2013	4/18/2013	_____	4/18/2013	5/10/2013	S&L

FE Sent For:

→ A+  
Intro.

<END>

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/1		csicilia	phenry	_____	sbasford		State

Vers. Drafted

Reviewed  
4/18/2013

Typed  
4/18/2013

Proofed  
\_\_\_\_\_

Submitted  
4/18/2013

Jacketed

Required  
S&L

FE Sent For:

<END>

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### Bill

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Wanted: **As time permits** Same as LRB:  
For: **Jeremy Thiesfeldt (608) 266-3156** By/Representing: **Hariah Hutkowski**  
May Contact: Drafter: **tdodge**  
Subject: **Health - public health** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
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Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

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### Pre Topic:

No specific pre topic given

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### Topic:

Prohibiting employers from requiring influenza vaccine as condition of employment

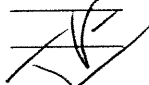
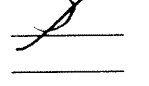

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 9/18/2012	csicilia 9/18/2012	9/18/2012				
/P1	tdodge 10/31/2012		9/18/2012		sbasford 9/18/2012		
/P2		csicilia 11/2/2012	11/6/2012		sbasford 11/6/2012		

11/13  
4/18  
4/18  
ph

FE Sent For:

**<END>**

**2013 DRAFTING REQUEST****Bill**

Received: **9/4/2012** Received By: **tdodge**  
 Wanted: **As time permits** Companion to LRB:  
 For: **Jeremy Thiesfeldt (608) 266-3156** By/Representing: **Hariah Hutkowski**  
 May Contact: Drafter: **tdodge**  
 Subject: **Health - public health** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Thiesfeldt@legis.wi.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given


**Topic:**

Prohibiting employers from requiring influenza vaccine as condition of employment

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 9/18/2012	csicilia 9/18/2012	9/18/2012	_____			
/P1		P2 g's 11/1 12	9/18/2012 P2 g's 11/2 12		sbasford 9/18/2012		
FE Sent For:							

<END>

# 2013 DRAFTING REQUEST

## Bill

Received: 9/4/2012

Received By: tdodge

Wanted: As time permits

Companion to LRB:

For: Jeremy Thiesfeldt (608) 266-3156

By/Representing: Hariah Hutkowski

May Contact:

Drafter: tdodge

Subject: Health - public health

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Thiesfeldt@legis.wi.gov

Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

## Pre Topic:

No specific pre topic given

## Topic:

Prohibiting employers from requiring influenza vaccine as condition of employment

## Instructions:

See attached

## Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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/? tdodge

11 gjs 9/18  
 12 9/18  
 Rstom 9/18

FE Sent For:

<END>





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-002072 PI  
TJD:.....

In: 9/18/12

Due 9/29/12

RmNR

gjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen Cat

1 **AN ACT**...; relating to: limitations on requiring vaccination against influenza.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 252.22 of the statutes is created to read:

3 **252.22 Influenza vaccination.** (1) DEFINITIONS. In this section, "employer"  
4 means any person, firm, corporation, state, county, town, city, village, school district,  
5 sewer district, drainage district, long-term care district, and other public or  
6 quasi-public corporations as well as any agent, manager, representative or other  
7 person having control or custody of any employment, place of employment or of any  
8 employee.

9 **(2) PROHIBITIONS ON EMPLOYERS.** No employer may do any of the following:

1 (a) Demote, suspend, or fire an employee or contractor for refusing to be  
2 vaccinated against seasonal influenza.

\* \*\*\*\*NOTE: Is this a comprehensive enough list for conditions of employment? Please  
note that hiring is in the next paragraph.

3 (b) Refuse to hire a prospective employee, or renew the contract of an employee  
4 or contractor, on the basis of vaccination status for seasonal influenza or refusal to  
5 be vaccinated against seasonal influenza.

6 (c) Require any employee to receive a vaccination against seasonal influenza,  
7 if that employee declines the vaccination in writing after receiving education on the  
8 risks and benefits of vaccination against influenza.

9 (d) Require employers, or contractors, who are not vaccinated against seasonal  
10 influenza to wear masks in retaliation for refusing the vaccination against influenza  
11 or require employees or contractors in a health care setting to wear masks in a  
12 manner that exceeds a requirement for an individual to wear a mask upon entry into  
13 the room of a patient <sup>who</sup> ~~that~~ has, or is suspected to have, influenza.

\*\*\*\*NOTE: We discussed limiting employers to imposing the CDC guidelines for  
wearing masks to prevent influenza. I looked at the guidelines and they are not very  
definitive as they allow the health care employer to dictate whether masks are worn upon  
entry into the patient's room or within a certain number of feet. I selected one of the  
guidelines and inserted it here. Please confirm that this is what you want.

14 (3) ILL EMPLOYEES. An employer may request or require an employee, or  
15 contractor, who is showing symptoms of <sup>seasonal</sup> influenza to leave the place of employment  
16 while ill.

\*\*\*\*NOTE: We discussed including a requirement that health care settings provide  
the influenza vaccine, free of charge, to employees. I did not include that requirement  
since the requirements in this draft are imposed on all employers. Do you want to require  
employers to provide the influenza vaccine? If so, do you want that requirement just  
imposed on health care employers?

(END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0020/P1

TJD:cjs:jm

stays

RmR

In: 10/31/12

soon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

any  
"Employee" includes any intern and volunteer,  
regardless whether the individual is compensated.

Gen Cat

1 AN ACT to create 252.22 of the statutes; relating to: limitations on requiring  
2 vaccination against influenza.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 252.22 of the statutes is created to read:  
4 **252.22 Influenza vaccination.** (1) DEFINITIONS. In this section, "employer"  
5 means any person, firm, corporation, state, county, town, city, village, school district,  
6 sewer district, drainage district, long-term care district, or other public or  
7 quasi-public corporations as well as any agent, manager, representative, or other  
8 person having control or custody of any employment or place of employment or of any  
9 employee.

④

④

④ (a) (b) E

discharge;

otherwise  
discriminate  
against

(2) PROHIBITIONS ON EMPLOYERS. No employer may do any of the following:

(a) Demote, suspend, or fire an employee or contractor for refusing to be vaccinated against seasonal influenza.

\*\*\*\*NOTE: Is this a comprehensive enough list for conditions of employment? Please note that hiring is in the next paragraph.

(b) Refuse to hire a prospective employee, or renew the contract of an employee or contractor, on the basis of vaccination status for seasonal influenza or refusal to be vaccinated against seasonal influenza.

(c) Require any employee or contractor to receive a vaccination against seasonal influenza, if that employee declines the vaccination in writing after receiving education on the risks and benefits of vaccination against influenza and the information described in sub. (3).

(d) Require employers, or contractors, who are not vaccinated against seasonal influenza to wear masks in retaliation for refusing the vaccination against influenza or require employees or contractors in a health care setting to wear masks in a manner that exceeds a requirement for an individual to wear a mask upon entry into the room of a patient who has, or is suspected to have, influenza.

Insert 2-14  
③  
4  
\*\*\*\*NOTE: We discussed limiting employers to imposing the CDC guidelines for wearing masks to prevent influenza. I looked at the guidelines and they are not very definitive as they allow the health care employer to dictate whether masks are worn upon entry into the patient's room or within a certain number of feet. I selected one of the guidelines and inserted it here. Please confirm that this is what you want.

(3) ILL EMPLOYEES. An employer may request or require an employee, or contractor, who is showing symptoms of seasonal influenza to leave the place of employment while ill.

Insert 2-18  
\*\*\*\*NOTE: We discussed including a requirement that health care settings provide the influenza vaccine, free of charge, to employees. I did not include that requirement since the requirements in this draft are imposed on all employers. Do you want to require employers to provide the influenza vaccine? If so, do you want that requirement just imposed on health care employers?

(END)

Insert 2-14 continued

(c)  
 (1) ~~§~~ To satisfy the requirement for a statement under Subd. 1. a. <sup>2</sup> par. (a) 1. an employer may provide a vaccine information statement on the applicable form of seasonal influenza vaccine that is created by the centers <sup>6 for</sup> (of) disease control and prevention division of the federal department of health and human services.

(End insert 2-14)

Insert 2-18 (CS)

(5) <sup>(B)</sup> PROVIDING VACCINE that An employer that requests <sup>1</sup> any of its employees or contractors be vaccinated against seasonal influenza shall provide or arrange for vaccination against seasonal influenza at no cost to those employees or contractors.

(End insert 2-18)

(END)

Insert 2-14

(a) that any of its employees <sup>or</sup> and contractors be vaccinated against seasonal influenza shall provide in writing to those employees and contractors <sup>all of the following:</sup> <sup>1</sup> A Statement of the risk and benefits to an individual of receiving the seasonal influenza vaccine.

<sup>2</sup> A statement that the employee or contractor has the right to refuse the seasonal influenza vaccination for any reason without risk of discrimination for that refusal.

(b) An employer that provides the statements under <sup>par. (a)</sup> (subd. 1) shall provide the employee or contractor a reasonable time to review those statements before <sup>holding</sup> providing or arranging for vaccination <sup>at</sup> clinic for seasonal influenza.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0020/P2-01  
TJD:cjs:rs

In: 4/17/13

Due Fri  
Apr. 19

RMR stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Sh

Gen Cat

and requesting

1 **AN ACT to create** 252.22 of the statutes; **relating to:** limitations on requiring<sup>^</sup>  
2 vaccination against influenza.

Insert  
Analysis

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 252.22 of the statutes is created to read:

4 **252.22 Influenza vaccination.** (1) **DEFINITIONS.** In this section:

5 (a) "Employee" includes any intern and any volunteer, regardless whether the  
6 individual is compensated.

7 (b) "Employer" means any person, firm, corporation, state, county, town, city,  
8 village, school district, sewer district, drainage district, long-term care district, or  
9 other public or quasi-public corporations as well as any agent, manager,

1 representative, or other person having control or custody of any employment or place  
2 of employment or of any employee.

3 (2) PROHIBITIONS ON EMPLOYERS. No employer may do any of the following:

4 (a) Demote, suspend, discharge, or otherwise discriminate against an employee  
5 or contractor for refusing to be vaccinated against seasonal influenza.

6 (b) Refuse to hire a prospective employee, or renew the contract of an employee  
7 or contractor, on the basis of vaccination status for seasonal influenza or refusal to  
8 be vaccinated against seasonal influenza.

9 (c) Require any employee or contractor to receive a vaccination against  
10 seasonal influenza, if that employee or contractor declines the vaccination for any  
11 reason in writing after receiving the information described in sub. (3).

12 (d) Require employees, or contractors, who are not vaccinated against seasonal  
13 influenza to wear masks in retaliation for refusing the vaccination against influenza  
14 or require employees or contractors in a health care setting to wear masks in a  
15 manner that exceeds a requirement for an individual to wear a mask upon entry into  
16 the room of a patient who has, or is suspected to have, influenza.

17 (3) INFORMATION; RIGHT TO REFUSE. (a) An employer that requests that any of  
18 its employees or contractors be vaccinated against seasonal influenza shall provide  
19 in writing to those employees and contractors all of the following:

20 1. A statement of the risks and benefits to an individual of receiving the  
21 seasonal influenza vaccine.

22 2. A statement that the employee or contractor has the right to refuse the  
23 seasonal influenza vaccination for any reason without risk of discrimination for that  
24 refusal.



1 (b) An employer that provides the statements under par. (a) shall provide the  
2 employee or contractor a reasonable time to review those statements before  
3 providing or arranging for vaccination for seasonal influenza. *about*

4 (c) To satisfy the requirement for a statement ~~under~~ par. (a) 1., an employer may  
5 provide a vaccine information statement ~~on~~ <sup>^</sup> the applicable form of seasonal influenza  
6 vaccine that is created by the centers for disease control and prevention division of  
7 the federal department of health and human services.

8 (4) ILL EMPLOYEES. An employer may request or require an employee, or  
9 contractor, who is showing symptoms of seasonal influenza to leave the place of  
10 employment while ill.

11 (5) PROVIDING VACCINE. An employer that requests that any of its employees or  
12 contractors be vaccinated against seasonal influenza shall provide or arrange for  
13 vaccination against seasonal influenza at no cost to those employees or contractors.

14 (END)

1

## INSERT ANALYSIS

This bill prohibits any employer, including the state and local governments, from demoting, suspending, discharging, or otherwise discriminating against an employee or contractor for refusing to be vaccinated against seasonal influenza. An employee, under the bill, includes any intern and any volunteer. The bill also prohibits any employer from doing any of the following: refusing to hire a prospective employee or renew the contract of an employee or contractor on the basis of vaccination status for seasonal influenza or refusal to be vaccinated against seasonal influenza; requiring any employer or contractor to receive a vaccination against seasonal influenza if the employer or contractor declines in writing after receiving certain information; requiring unvaccinated employees or contractors to wear masks in retaliation for refusing the influenza vaccination; or requiring employees or contractors in a health care setting to wear masks in a manner that exceeds a certain requirement. If the employer requests that any of its employees or contractors be vaccinated against seasonal influenza, that employer must provide, or arrange for, the vaccination at no cost to those employees or contractors.

Under the bill, an employer that requests employees or contractors to be vaccinated against seasonal influenza must provide, in writing, a statement of the risks and benefits to an individual of receiving that vaccine and a statement that the employee or contractor has the right to refuse the seasonal influenza vaccine for any reason without risk of discrimination for that refusal. The employer must provide the employee or contractor a reasonable time to review these statements before providing or arranging for seasonal influenza vaccination. An employee or contractor who has received these statements may decline the vaccination, in writing, for any reason and the employer may not require that employee or contractor to receive the vaccination. An employer may provide the vaccine information statements in the applicable form of seasonal influenza vaccine that is created by the federal Centers for Disease Control and Prevention and this satisfies the requirement to provide the statements.

An employer is allowed to request or require an employee, or contractor, who is showing symptoms of seasonal influenza to leave the place of employment while ill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

(END INSERT ANALYSIS)

employee

About

Under the  
bill

**Barman, Mike**

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**From:** Hutkowski, Hariah  
**Sent:** Friday, May 10, 2013 10:41 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0020/1 Topic: Prohibiting employers from requiring influenza vaccine as condition of employment

Please Jacket LRB -0020/1 for the ASSEMBLY.